



DAC #21

PTO/SB/61 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor:

GARY W. LAMPKINS

Application Number:

10/046,164

Filed:

11/16/02

Title:

StayTie II

Art Unit:

3728

Examiner:

Anthony

Stashick

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Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 30 2006

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☐ Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☐ Other than small entity – fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of
Advisory Action Reply (identify the type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B The issue fee of \$ _____

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

10/04/04

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Typed or printed name

Registration Number, if applicable

Address

Telephone Number

Address

Enclosure ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

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☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

8/25/06

Date

Signature

Gary W. Lampkins

Typed or printed name of person signing certificate

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SUBSTITUTE SPECIFICATIONS

DESCRIPTION OF THE PREFERRED EMBODIMENTS

FIG 1 illustrates an arm 1 with a hook and fastening means, 3 attached at the tip of arm 1. In the middle of arm 1 are teeth 5 with slot 7 next to teeth 5 and a hook and loop fastening means 9 at the other end of arm 1. Arm 1 and arm 2 are connected to each other by arm extension 11. Arm 2 serves the same purpose as arm 1 in which there is a hook and loop fastening means 4, and teeth 6 with slot 8 and hook and loop fastening means 10 all embodied on or in arm 2. Arm extension 11 is made a part of oval extension 13 with tip 15 on the end.

FIG 2. shows the arm 2 with hook and loop fastening means parts 4 and 10 in relation to teeth 6 to illustrate a side view of one part of the device.

FIG 3. Illustrates one end of arm 1 inserted through slot 7 which when wrapped tightly will engage teeth 5 to hold shoelace 18 in place while maintaining the integrity of the knot.

FIG 4. Illustrates a side view of arm 1 to better display the position of a hook and loop fastening means 3 and 9 and teeth 5 in relationship to each other.

FIG 5. Illustrates the device fully engaged on both sides of knot 20 with arms 1 and 2 wrapped around bows 18 and 16 to maintain the integrity of the knot 20. Arm extension 11 connects arm 1 to arm 2 with oval extension 13 being displayed in its open state and unattached to a shoe. Tip 15 purpose is to allow the device to be easily inserted through a shoelace hole on a shoe with the device being inserted through oval extension 13 to form a semi-permanent noose around the shoe material.

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10/046,194

Listing of Claims:

Claims 1 and 2 (canceled)

Claims 3 through 5 (New)

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I claim:

1. (canceled) A combination shoe and shoelace retaining device comprising of flexible wrapping members to hold the lace once the shoe is tied in place and retard slipping, with an additional part being a flexible loop extension designed to be inserted through a shoelace hole, with the entire device passing through the loop on the other side of the hole to semi attach the device to the upper of a shoe.

2. (canceled) A combination shoe and shoelace retaining device as described in claim one, wherein each flexible wrapping member has a slot to allow self insertion and interlocking of the member around the shoelace once it is tied, with an additional part being a flexible extension, attaching and incorporating the device as a part of the shoe itself.

C²
Claim 3. (New) A combination shoe and shoelace retaining device comprising of two substantially flexible wrapping interlocking retaining members with each having an adjusting means which extends through each flexible wrapping interlocking retaining member, joined together by a flexible arm, with a flexible loop extension attached thereto, which allows the device to be attached to a shoe by the flexible loop extension being inserted through a shoelace hole and inserted through said flexible loop to form a noose around the upper of the shoelace hole and surrounding shoe material, thereby allowing the device to be attached to said shoe.

Claim 4. (New) A combination shoe and shoelace retaining device as described in claim 3 wherein the device is attached to a shoe.

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C. Claim 5. (New) A shoelace retaining device comprising of two substantially flexible wrapping interlocking members with each having an adjusting means, with said interlocking members having a plurality of interlocking members extending from a surface thereof, a flexible arm member extending between said flexible interlocking members, a flexible loop extension attached to said flexible arm, said flexible loop extension is adaptive to be inserted into a shoelace hole, said flexible loop extension being of a length that allows it to be inserted through itself and form a noose around the shoelace hole.

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10/046,164

REMARKS TO EXAMINER'S FINDINGS

1. New claims 3, 4, and 5 of this application is novel and thus patentable over prior art namely, Lavielle, Blum and Anderson in light said prior art not disclosing two extremely flexible retaining members with each member having an ability to adjust through an adjustment means which allows said device to retain a shoelace regardless of the thickness or lack thereof of said shoelace material. Further, said prior art does not disclose an extremely flexible loop retaining means that uniquely utilizes the shoe string hole of the shoe as an attachment means.

SUBMITTED BY,

Gary W. Lampkins

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23/c
E. Fayton
2/28/04

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DESCRIPTION OF THE PREFERRED EMBODIMENTS

loop ✓

FIG 1 illustrates an arm 1 with a hook and fastening means, 3 attached at the tip of arm 1. In the middle of arm 1 are teeth 5 with slot 7 next to teeth 5 and a hook and loop fastening means 9 at the other end of arm 1. Arm 1 and arm 2 are connected to each other by arm extension 11. Arm 2 serves the same purpose as arm 1 in which there is a hook and loop fastening means 4, and teeth 6 with slot 8 and hook and loop fastening means 10 all embodied on or in arm 2. Arm extension 11 is made a part of oval extension 13 with tip 15 on the end.

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